

June 14, 1999

Federal Communications Commission  
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TO: Chairman William E. Kennard  
Commissioners Susan Ness, Michael Powell,  
Harold Furchgott-Roth, and Gloria Tristani  
The Secretary, Magalie Roman Salas

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Chairman, Commissioners, and Madam Secretary:

Know Code International ("KCI") was founded in April, 1999 when it became apparent that No-Code International ("NCI") had made inaccurate, deceptive, and possibly fraudulent filings with the Commission regarding WT Docket 98-143. Similar inaccurate and deceptive statements and conclusions were presented to the Commission by NCI in written and verbal Ex Parte presentations regarding this docket. In this letter, I will outline specific acts of deception so that the Commission can take appropriate action in discounting the data, conclusions, and recommendations presented by No-Code International. Additional information and background material may be found on the Know Code International web site at <http://www.KnowCode.Org>.

In their Reply Comments to WT Docket No. 98-143, No-Code International stated that they had "undertaken and completed a rather exhaustive analysis and categorization of all of the comments filed in this Proceeding which the Commission has made available to the public by way of its Electronic Comment Filing System ("ECFS")". In their analysis, they divided the comments into three categories:

No Code Supporters (43.3%) - Those that support the NCI proposal.  
ARRL Supporters (20.3%) - Those that support the ARRL proposal.  
Code Supporters (36.5%) - Characterized by NCI as being commenters that either want the code test speeds to remain at their present level, or be raised to a higher level.

NCI draws several conclusions from this analysis, including this "single most important fact":

"The single most important fact which derives from the analysis of the comments filed in this Proceeding is that, *for the first time in the history of the ARS*, a significant majority (63.6%) of the current licensees support both a reduction in the maximum number of license classes to either three or four, with *at least* full General class privileges being attained with either no Morse code test at all or, at most, the passage of only a 5 word per minute Morse code test." - Paragraph 7 of NCI Reply Comments to WT Docket 98-143, and repeated in abbreviated form in the document's conclusion (Paragraph 24)

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This statement is inaccurate, flawed, and deliberately deceptive, due to an apparent disregard of statistical science. It is not a "fact" in any sense of the word. NCI derived the 63.6% figure by summing together the No Code Supporters (43.3%) and the ARRL Supporters (20.3%). The ARRL proposal does call for a 5 WPM code test for the General class license. However, it also calls for a 12 WPM code test for the Advanced class license, which is completely contrary to the NCI proposal of a 5 WPM (maximum) code test for all license classes.

It is impossible to know *why* commenters said they favored one proposal over another. 100% of the ARRL Supporters *may* have supported that proposal *only* because of the 12 WPM Advanced class code test that it calls for. If the ARRL Supporters favored the NCI proposal of a 5 WPM code test for all license classes, including the General class, it is reasonable to assume that they would have commented in favor of the NCI proposal and *not* for the ARRL proposal. Notice that by using the same faulty statistical techniques as NCI, I could determine that 56.8% of those commenting favor a code test of *at least* 12 WPM for passage into the Advanced class license (by summing the ARRL Supporters with the Code Supporters).

Neither the NCI statement, nor the statement I just derived, are valid. Neither are valid because commenters were not required to unambiguously answer these two questions, which would eliminate any uncertainty:

- a) Do you favor a code test of no more than 5 WPM for the General class license?
- b) Do you favor a code test of at least 12 WPM for the Advanced class license?

An analogy may help to clarify why the NCI analysis is faulty. If an American voter selects one presidential candidate over another, is it fair to assume that the voter supports 100% of the candidate's ideas, and 100% of the planks in the candidate's political party platform? Certainly not. Many American voters express a sentiment that their choice of presidential candidate is based on choosing "the lesser of two evils". Could that sentiment not also be a factor in comments selecting one organization's proposal over another?

NCI further obscures the truth when it states "a significant majority (63.6%) of the current licensees..." Their study was based *only* on those commenting (1649 unique, categorized comments per their Ex Parte presentation of March 19, 1999) and *not* on the entire population of U.S. Amateur Radio operators ("current licensees"). A valid conclusion that *can* be drawn from the NCI study is that *there is no consensus among those commenting* regarding code testing. There is not even a majority position.

It should be noted that NCI has existed for approximately 18 months, and only has approximately 2000 members, which includes members in 37 countries. If we conservatively assume only one member from each foreign country, NCI membership in the U.S. represents significantly less than 1% (0.27%) of the total U.S. Amateur Radio Operator population (based on a total population of 737,396 U.S. amateurs as given in Radio Amateur Callbook's Winter 1998 census). The NCI membership total of approximately 2000 members was stated in NCI's most recent E-mail bulletin, and confirmed by NCI Director Bill Sohl in this public statement to the rec.radio.amateur.policy internet newsgroup:

“Actually we have been at this for about 18 months...2000 NCI members and we don't advertise at all isn't bad in my book. Those members sure helped when it came time for FCC comments.” - Bill Sohl, NCI Director, 06/12/99

Know Code International has also learned that the NCI categorization of comments (i.e. the raw data of their study) was likely faulty. One amateur (Hans Brakob, K0HB) made this comment in the rec.radio.amateur.policy internet newsgroup:

“According to another NCI Director, my proposal was 'scored' as supporting NCI. Since I do not support NCI in any fashion, this scoring was pure fabrication on your part, and discredits your entire evaluation.” - Hans Brakob, 06/01/99

NCI Director Carl Stevenson responded as follows:

“Hans, you were told, in response to your "How was my comment 'binned' into your 3 'bins,' or was it simply ignored?" question that your comment was 'binned' in the "Supports no more than a 5 wpm maximum Morse test" bin ... We NEVER told the FCC that you "support NCI" ... we told them that that 43% of the comments supported NO MORE THAN A 5 WPM MORSE TEST FOR FULL HF ACCESS.” - Carl Stevenson, NCI Director, 06/03/99

NCI Director Stevenson's statement is an obvious, deliberate lie as can be seen from these quotations taken directly from NCI filings with the Commission:

“A substantial body of comments (43.3%) support the total elimination of Morse testing as soon as practical and a reduction to no more than 3 classes of license.” - Paragraph 24 (the *conclusion*) of NCI Reply Comments to WT Docket 98-143, filed with the Commission

"As can be seen from the table on the previous page, comments supporting NCI's no code position ranked the highest, totaling 43% of all comments filed (based on documents viewable on the ECFS)." - NCI Ex Parte Presentation to the Commission regarding WT Docket 98-143, March 19, 1999 (presented in person by NCI Directors Carl Stevenson and Bill Sohl)

"This conclusion is based on the combination of comment supporting NCI's proposal (43.3%) and those supporting the ARRL proposal (20.3%)" - Paragraph 7 of NCI Reply Comments to WT Docket 98-143, filed with the Commission

"NCI believes that it is also quite significant to note that support for NCI's proposal exceeded support for the ARRL's proposal by a factor of more than 2 to 1 (43.3% of comments filed supported NCI's proposal vs. 20.3% for the ARRL proposal) and that many writers specifically made a point of stating that "The ARRL doesn't speak for or represent me." - Paragraph 8 of NCI Reply Comments to WT Docket 98-143, filed with the Commission

I pointed out Director Stevenson's lie in the same public forum, in a direct reply to Director Stevenson's statement. None of the four NCI Directors who regularly participate in the forum (including Director Stevenson) made any further statements regarding this issue: no explanations,

no clarifications, no retractions, no apologies. Given this information, we are left to seriously question even the basic foundation of the NCI study, and question the integrity of the No-Code International board of directors.

The Commission may wish to validate the authenticity of the newsgroup quotations that I have presented in this letter, and/or review the context that the statements were made in. This is easily done via the Power Search feature of Deja.com at <http://www.deja.com>. Access the Power Search page and enter "rec.radio.amateur.policy" in the Forum box. Enter the date of the quotation in both the Date From and Date To fields. Enter the quoted person's E-mail address in the Author box. Here are the author E-mail addresses for each of the quotations in this letter:

Hans Brakob:	k0hb@arrl.org
Carl Stevenson:	wa6vse@fast.net
Bill Sohl:	billsohl@planet.net

Most of the recommendations contained in the NCI Reply Comments and Ex Parte presentations to the Commission are based on this faulty, deceptive, and potentially fraudulent statistical study of comments submitted. NCI attempts to imply the existence of a "no code movement", when no such significant movement actually exists. Because of this obvious and deliberate attempt to deceive the Commission via statistically invalid derivations and conclusions, Know Code International recommends that the Commission reject the No-Code International recommendations out of hand, and exercise prudence when considering any further filings from this deceitful organization.

Respectfully submitted,  
Know Code International



Eric June, KU6J  
Director of Know Code International

cc: Christopher J. Wright, General Counsel, FCC  
Thomas J. Sugrue, Chief, WTB  
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